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EXHIBIT 1

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Counsel for Defendant James Nelsen

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES NELSEN,

Defendant.

No. CR 09-01168 RMW

STIPULATION TO CONTINUE
HEARING DATE;
☐ ORDER

It is hereby stipulated between the United States of America, by and through Assistant United States Attorney Jeffrey Schenk and defendant James Nelsen through his counsel Vicki H. Young, that March 25, 2013, hearing date on the Motion for Order Permitting Involuntary Administration of Medication to Restore Competency to Stand Trial filed by AUSA Jeffrey B. Schenk be continued to Tuesday April 30, 2013, at 9:00 a.m. The reason for this continuance is that the witnesses from F.M.C. Butner are not available to testify by phone at an afternoon hearing since they are on the East Coast, and the next available date for all parties is April 30, 2013.

The parties stipulate that the period up to and including April 30, 2013, is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h); and the basis for such exclusion is that the motion for involuntary medication is still pending, 18 U.S.C. § 3161(h)(1)(F) as well as the need for

1 additional time for effective preparation for the motion by defense counsel. 18 U.S.C.
2 §3161(h)(8)(B)(iv).

3 It is so stipulated.

4 Dated: February 28, 2013

Respectfully submitted,

6 /s/ Vicki H. Young
7 VICKI H. YOUNG, ESQ.
Counsel for James Nelsen

8 Dated: February 28, 2013

MELINDA S. HAAG
United States Attorney

11 /s/ Jeffrey B. Schenk
JEFFREY B. SCHENK
Assistant United States Attorney

GOOD CAUSE BEING SHOWN, the hearing date for the Motion for Order Permitting Involuntary Administration of Medication filed by AUSA Jeffrey Schenk is continued to Tueaday April 30, 2013, at 9:00 a.m.

Therefore the ends of justice served by such a continuance outweigh the best interest of the public and the defendants in a Speedy Trial within the meaning of Title 18 U.S.C. §3161(h)(8)(A).

As required by 18 U.S.C. §3161 (h)(8)(B)(iv), this Court finds that the reason that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial are the denial of the continuance would unreasonably deny the defendant reasonable time necessary for effective preparation of the pretrial motions and defense, taking into account the exercise of due diligence, and would deny the defendant continuity of counsel. 18 U.S.C. §3161(h)(8)(B)(iv).

DATED: 10/1/2011

Ronald M. Whyte
RONALD M. WHYTE
Senior U.S. District Judge